

**BOROUGH OF WESTWOOD  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
MINUTES  
October 3, 2011**

**APPROVED 12/5/11**

**1. OPENING OF THE MEETING**

The meeting was called to order at approximately 8:00 p.m.

Open Public Meetings Law Statement:

This meeting, which conforms with the Open Public Meetings Law, Chapter 231, Public Laws of 1975, is a Regular Meeting of the Westwood Zoning Board.

Notices have been filed with our local official newspapers and posted on the municipal bulletin board.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL:**

**PRESENT:** Guy Hartman  
Christopher Owens  
Raymond Arroyo, Vice-Chairman  
William Martin, Chairman  
Michael Bieri  
Vernon McCoy (Alt #1)  
Matthew Ceplo (Alt #2)

**ALSO PRESENT:** David Rutherford, Esq., Board Attorney  
Louis Raimondi, Brooker Engineering,  
Board Engineer  
Steve Lydon, Burgis Associates,  
Board Planner (arrived 8:55 pm)

**ABSENT:** Robert Bicocchi (excused absence)  
Eric Oakes (excused absence)

**4. MINUTES** - The Minutes of the 9/12/11 meeting were approved on motion of Mr. Bieri, seconded by Mr. Owens and carried unanimously on roll call vote.

**5. CORRESPONDENCE:**

(WWZB 10/3/11)

1. Memo from Burgis Associates, dated 8/30/11 RE: Diamond Academy, 160 Tillman Street;

2. Memo from Brooker Engineering dated 9/20/11 RE: Diamond Academy, 160 Tillman Street;

3. Memo from Brooker Engineering dated 9/20/11 RE: Brightly, 71 Goodwin Terrace;

4. Memo from Burgis Associates, dated 9/20/11 RE: Royer, 29 Eighth Avenue;

5. Memo from Brooker Engineering dated 9/21/11 RE: Royer, 29 Eighth Avenue;

6. **VOUCHERS:** A motion to approve vouchers totaling \$5,382.50 was made by Mr. Arroyo, seconded by Mr. Hartman, and carried unanimously on roll call vote.

7. **RESOLUTIONS:**

1. **Arroyo, 6 Carolyn Street - Variance Application -** Raymond Arroyo recused himself and stepped down from the dais, since he is the applicant. Attorney Rutherford gave an overview of the application and approval. A motion for approval of the Resolution was made by Mr. Bieri and seconded by Mr. McKoy. There were no further questions, comments or discussions. On roll call vote, Mr. Bieri, Mr. Hartman, Mr. Owens, Mr. McKoy, Mr. Ceplo, and Chairman Martin voted yes. Mr. Arroyo returned to the dais.

8. **PENDING NEW BUSINESS:**

1. **Brightly, 71 Goodwin Terrace - Variance Application -** Scheduled for 11/7/11;

9. **VARIANCES, SUBDIVISIONS AND/OR SITE PLANS, APPEALS, INTERPRETATIONS:**

SWEARING IN OF BOARD PROFESSIONALS FOR PUBLIC HEARINGS  
The Board Professionals were sworn in.

1. **KMACK North, 39 Kinderkamack Road - Variance & Site Plan Approval -** Scheduled for 11/7/11;

(WWZB 10/3/11)

**2. KMACK South, 40 Kinderkamack Road - Variance & Site Plan Approval** - Scheduled for 11/7/11;

**3. Peck - 18 Sixth Avenue - Variance Application** not deemed complete - Carried to 11/7/11;

**4. Royer - 29 Eighth Avenue** - Robert J. Mancinelli, Esq. represented the applicant Dennis Royer, the owner of the premises, who was present. At that time, Mr. Rutherford advised that Mr. Arroyo had a prior professional relationship with Mr. Lantelme, but that he felt he would be fair and impartial in hearing the application, and therefore, he felt there was no appearance of a conflict. Mr. Mancinelli advised that he had no objections and did not see the need for Mr. Arroyo to recuse himself. The application was presented.

Mr. Rutherford reviewed the publication documents and found them to be in order. There were possibly three variances, one for lot coverage, one for distance of accessory structure from the building, and for setbacks, which are pre-existing, non-conforming. The Notice reflected side and rear yard variances for an existing, non-conforming shed and expansion of the existing non-conforming garage; existing, non-conforming front yards and side yard variance; impervious lot coverage variance and any other variances.

Mr. Mancinelli continued, presenting that Mr. Royer seeks to make an addition to his pre-existing, non-conforming garage from a one car to a two car garage. There is a pre-existing, non-conforming accessory structure, a shed from a prior development. In another section of the ordinance it talks about a side yard setback variance, which he noticed for, but they do not intend to include it as a variance.

A waiver was requested from the requirement of providing signed and sealed architectural plans. Mr. Martin stated when a variance is requested, signed and sealed architectural plans are required. A discussion followed. Mr. Martin called for a motion on the waiver. A motion to deny the waiver request was made by Mr. Hartman and seconded by Mr. McKoy. There were no further questions, comments or discussions. On roll call vote, Mr. Bieri, Mr. Arroyo, Mr. Hartman, Mr. Owens, Mr. McKoy voted yes. Mr. Ceplo voted no.

(WWZB 10/3/11)

The Board proceeded to hear the testimony of Chris Lantelme, Licensed NJ Engineer, who was sworn in, qualified and accepted. Revisions to the plan were made on 9/29/11, per comments of the Board Engineer. This was a one page plan, dated 5/16/11, revised to 9/29/11, and marked Exhibit A1. Drainage calculations by Mr. Lantelme were also submitted, dated 9/28/11, and marked Exhibit A2. Mr. Mancinelli questioned Mr. Lantelme, who was familiar with the applicant, zoning ordinances and zone plan. He reviewed the variance requirements:

Front Yard - 22' min/35' max; existing and proposed 16.2';  
Side Yard One - 10' required; 9.2' existing and proposed;

Accessory shed is another pre-existing, non-conforming variance. Accessory garage addition to building - 10' is required; 16.4' is existing; 6.5' is proposed.

The application is showing two new variances and two existing conditions, which are not being expanded in any way. Mr. Lantelme observed that there were no additions to the garage back in 2009. This would be consistent with the development pattern of the neighborhood. Mr. Lantelme reviewed his drainage calculations and stormwater management proposal.

Mr. Raimondi reviewed his report. Since Mr. Lantelme responded to Mr. Raimondi that there were no soil tests, Mr. Raimondi suggested all tests are to be done before any construction is commenced. He did not find the addition out of line with today's developments. The proposed garage will serve the needs of the homeowners.

Questions of Mr. Lantelme by the Board followed. Mr. Owens and Mr. Raimondi had questions about cars fitting in the garage. Mr. Martin referred to Mr. Lantelme's comments that in 2006 the shed was not there. Mr. Martin requested copies of all permits for the pool installation and shed when they return in November. He also noted the shed is 500 sq. ft. He asked if there were other garages of this size in the neighborhood. Mr. Lantelme did not know if the other homes on the block had garages of this size. Mr. Martin commented it is possible that the garage could be made smaller.

The matter was opened to the public for questions of Mr. Lantelme. There being none, the matter was closed to the public.

(WWZB 10/3/11)

Mr. Lydon reviewed his report with commentary. Mr. Mancinelli read from the ordinance and offered his opinion, stating that the garage should be 5' off the property line. Mr. Lydon commented, reading from the ordinance. Although the prudent thing to do is apply for a variance, he would want to see the amending language. Mr. Mancinelli advised the variance is for going from 10' to 5' on the accessory structure. They asked for a waiver for providing the topographical map. Mr. Martin deferred to Mr. Raimondi, who said it was not necessary. Mr. Lydon agreed.

The matter was carried to 11/7/11. Applicant is to provide a floor plan layout with elevations. No floor plans of the pool or shed are being asked of him, but applicant is to bring copies of all permits for work done. As an addendum, applicant is also to provide a statement of what is in the house and shed, i.e., number of rooms etc. Mr. Martin asked them to provide more photos, of all sides of all buildings. It would not be necessary for Mr. Lantelme to be present at the next meeting

The Board took a brief recess from 9:20 to 9:30 pm

**5. Diamond Academy, LLC, 169 Tillman Street - Use Variance** - Mr. Rutherford reviewed the publication documents and found them to be in order. Robert Maloof, Esq. represented the applicant in an application for a use variance for a portion of 162 Tillman Street for softball and baseball instruction purposes. Mr. Maloof questioned the witness.

Lisa Rizzo, 50% owner of Diamond Academy, LLC, was sworn in. The other 50% owner is Carol Rouski. She currently owns a softball instruction company that provides one-on-one softball training for females, many of which have been awarded full scholarships to colleges. Winter training is hard, and she is getting very busy and would like to open at this site to provide this training for women. The Tillman has great open space, and she has been looking for a year, and she doesn't have to knock down walls. There will be a total of four instructors and four teachers. She has four tunnels so there would be a total of about eight girls per hour. There are no public batting cages.

The hours of operation would be Monday through Friday 3pm to 10pm, Sat 9-6pm. Exhibit A1 was entitled, Estimated

(WWZB 10/3/11)

Statistics Through Various Websites of Each Town, Estimated Softball Athletes, which established the need for this type of facility in the area. Marissa Marino is the Athletic Director at Newark Academy and trains with her. The training is different, and one-on-one. There are other facilities, mostly coin operated, and they are a good 15 minutes away. This would definitely serve a need. Mr. Martin noted it sounds like it is similar to other one-on-one lessons, such as dance or golf. He asked if it was noisy, and she responded no. They are hitting into a net. Mr. Martin was concerned about sprinkler heads. Applicant was familiar with this, and she would install a net.

Daniel Rattacasa, Girls' Softball Coach at Westwood Regional High School, was sworn in. As per the rules of NJSIAA, you cannot start until March. There are other facilities, but not in this immediate area. This central location would allow the local girls to train all year around. They are very proud of their new field just installed. He also looked at the list of estimated softball athletes and commented it appeared to be correct.

Arthur J. Michels, NJ Licensed Architect and Professional Planner, was sworn in, qualified and accepted. He is a principal in Michels & Waldron Associates, LLC. He lives in and is very familiar with northern Bergen County. The architectural and site plans were prepared by his office. He has visited and is familiar with the site, and has reviewed the Master Plan, zoning ordinances and zone plan. He described the characteristics of the site in the RW Zone. The main part of the building is being occupied by Hoffman Flooring. Mr. Michels briefly discussed parking. Photos were displayed on a board. There is a direct entrance from the parking lot that was an old parking garage they would utilize. On the West side, there is a canopy with a Hoffman Floor sign, and they were proposing to change the lettering to Diamond Academy in accordance with the zoning ordinance. Those were the only two changes. The building is sprinklered, and they would be protected with caging.

Mr. Michels continued. This type of use is not listed in the types of uses that are permitted in the zone. There are special reasons he testified, and proceeded to give supporting testimony. This site is particularly suitable. He reviewed the Master Plan Re-examination. Also, there are no detriments and no changes to the building or site, and this use is less

(WWZB 10/3/11)

intensive than the retail use there previously. This is an appropriate adaptive re-use which accounts for the departure from the zoning ordinance for use. Parking Analysis was prepared. He used the criteria for recreational facilities. The Board has the right to select another. The parking spaces were calculated as 84 for the site. The offices and top floor are not open on Saturday. They would open Monday through Friday.

Questions of Mr. Michels followed. There were concerns about noise from a bat hitting the floor. Mr. Michels indicated he was not worried about it. There were questions about lighting. Mr. Maloof gave details of the lighting, which would not affect residents. Mr. Owens inquired about there being another tenant, and the response was there would be no impact. Hoffman Flooring is on the ground floor. A wood shop also occupies space. They are vacating and moving upstairs. There are no changes on the outside, and all awnings are existing. As for parking, there are a total of 84 proposed and 35 on site. Mr. Lydon commented about the uses in the RW district. He was satisfied that the positive and negative criteria were addressed. Mr. Raimondi's only concern was parking.

There were no further questions from the Board and none from the public. Mr. Maloof had with him a prior Resolution for the site. Mr. Martin advised the Board takes notice of the action and Resolution of Van Horneff Dance.

Robert Faller, 25 Sherwood Downs, Park Ridge, NJ, owner, was sworn in. The title is under the name of Pit-Cat, LLC, standing for pitcher and catcher. He explained the situation with the entrance in the rear of the building, which has been walled over, as shown on the plan. The banners would be taken down.

There were no further questions, comments or discussions and no interested parties present.

A motion for approval was made by Mr. Arroyo, with conditions as stated, and seconded by Mr. Bieri. There were no further questions, comments or discussions. On roll call vote, Mr. Bieri, Mr. Arroyo, Mr. Hartman, Mr. Owens, Mr. McKoy, Mr. Ceplo, and Mr. Martin voted yes.

(WWZB 10/3/11)

Section 195-130A(1)a was noted to clarify the language regarding the setback of accessory structure of garages. The Planning Board should look into the clarification of this, the Board noted.

**10. DISCUSSION:**

**1. An Update on Master Plan Re-Examination** - Mr. Martin gave an update as to the Planning Board's discussions at the last meeting.

**11. ADJOURNMENT** - On motions, made seconded and carried, the meeting was adjourned at approx. 11:00 p.m.

**Respectfully submitted,**

---

**MARY R. VERDUCCI, Paralegal**  
**Zoning Board Secretary**